

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
GRUNDY COUNTY, ILLINOISEUGENE G. EVANS,
Plaintiff,

v.

JOHN POLASKI, DARCI POLASKI as
Special Administrator of the Estate of JOHN
POLASKI, HALL FARMS TRUCKING and
RICK MANNING and JOE HALL d/b/a HALL
FARMS TRUCKING,
Defendants.

Case No.: 08-L-55

This is A True Copy Of An Original
Filed Herein On 1-2-09
KAREN E. SLATTERY, Circuit ClerkCOMPLAINTCOUNT I

NOW COMES the Plaintiff, EUGENE G. EVANS, by and through his attorneys, BLOCK, KLUKAS & MANZELLA, P.C., and complaining of the Defendant, JOHN POLASKI, states as follows:

1. That on or about August 25, 2006, the Plaintiff, EUGENE G. EVANS, was the operator of an eighteen wheeler truck that was parked at the Pilot Truck Stop on Ridge Road, in the Village of Minooka, County of Grundy, State of Illinois, and that at the time of the occurrence, Plaintiff was in the sleeper compartment of said vehicle.
2. That at said time and place, the Defendant, JOHN POLASKI, was the operator of an eighteen wheeler truck that was driving through the Pilot Truck Stop parking lot on Ridge Road, in the Village of Minooka, County of Grundy, State of Illinois.
3. That at all times herein, it was the duty of the Defendant, JOHN POLASKI, to exercise ordinary care for the safety of all persons traveling near or upon the roadway, including the Plaintiff, EUGENE G. EVANS.
4. That at said time and place, the Defendant, JOHN POLASKI, was guilty of one or more of the following acts of negligence and carelessness, to wit:
 - a. Drove his vehicle upon a public way at a speed which was greater than was reasonable and proper with regard to traffic conditions and the use of the roadway, contrary to 625 ILCS 5/11-601;

EXHIBIT

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- b. Drove his vehicle upon a public way at a speed which endangered the safety of persons, contrary to 625 ILCS 5/11-601;
- c. Drove his vehicle upon a public way at a speed which endangered the safety of property, contrary to 625 ILCS 5/11-601;
- d. Failed to keep a proper look out for other vehicles;
- e. Failed to see and observe the Plaintiff's vehicle when in the exercise of reasonable care he should have seen the vehicle;
- f. Failed to operate his motor vehicle so as to avoid a collision although he saw or should have seen that it was imminent and had ample opportunity to avoid it;
- g. Failed to maintain and keep proper control of his vehicle;
- h. Failed to stop his motor vehicle so as to avoid a collision although he saw or should have seen that it was impending and had ample opportunity to avoid it.

5. That as a direct and proximate cause of one or more of the foregoing acts of negligence and carelessness on the part of the Defendant, JOHN POLASKI, the semi truck operated by him did collide violently with the Plaintiff's semi truck, while the Plaintiff, EUGENE G. EVANS, was in the sleeper compartment, with such force that it caused the Plaintiff to fall and causing severe injuries.

6. That as a direct and proximate result the Plaintiff, EUGENE G. EVANS, became sick, sore, lame, and disordered, suffered pain and anguish, has become permanently disabled, incurred medical expenses, lost time from his usual occupation and duty and will continue such losses for the rest of his life.

ALL TO THE DAMAGE of the Plaintiff, EUGENE G. EVANS, in a sum in excess of FIFTY THOUSAND AND NO/100THS (\$50,000.00) DOLLARS.

WHEREFORE the Plaintiff, EUGENE G. EVANS, prays for judgment in his favor and against the Defendant, JOHN POLASKI, in an amount in excess of FIFTY THOUSAND AND NO/100THS (\$50,000.00) DOLLARS, together with costs of suit.

COUNT II

NOW COMES the Plaintiff, EUGENE G. EVANS, by and through his attorneys, BLOCK, KLUKAS & MANZELLA, P.C., and complaining of the Defendant, DARCI POLASKI as Special Administrator of the Estate of JOHN POLASKI, states as follows:

1. That on or about August 25, 2006, the Plaintiff, EUGENE G. EVANS, was the operator of an eighteen wheeler truck that was parked at the Pilot Truck Stop on Ridge Road, in the Village of Minooka, County of Grundy, State of Illinois, and that at the time of the occurrence, Plaintiff was in the sleeper compartment of said vehicle.

2. That at said time and place, the Defendant, JOHN POLASKI, was the operator of an eighteen wheeler truck that was driving through the Pilot Truck Stop parking lot on Ridge Road, in the Village of Minooka, County of Grundy, State of Illinois.

3. That at all times herein, it was the duty of the Defendant, JOHN POLASKI, to exercise ordinary care for the safety of all persons traveling near or upon the roadway, including the Plaintiff, EUGENE G. EVANS.

4. That at said time and place, the Defendant, JOHN POLASKI, was guilty of one or more of the following acts of negligence and carelessness, to wit:

- a. Drove his vehicle upon a public way at a speed which was greater than was reasonable and proper with regard to traffic conditions and the use of the roadway, contrary to 625 ILCS 5/11-601;
- b. Drove his vehicle upon a public way at a speed which endangered the safety of persons, contrary to 625 ILCS 5/11-601;
- c. Drove his vehicle upon a public way at a speed which endangered the safety of property, contrary to 625 ILCS 5/11-601;
- d. Failed to keep a proper look out for other vehicles;
- e. Failed to see and observe the Plaintiff's vehicle when in the exercise of reasonable care he should have seen the vehicle;
- f. Failed to operate his motor vehicle so as to avoid a collision although he saw or should have seen that it was imminent and had ample opportunity to avoid it;
- g. Failed to maintain and keep proper control of his vehicle;
- h. Failed to stop his motor vehicle so as to avoid a collision although he saw or should have seen that it was impending and had ample opportunity to avoid it.

5. That as a direct and proximate cause of one or more of the foregoing acts of negligence and carelessness on the part of the Defendant, JOHN POLASKI, the semi truck operated by him did collide violently with the Plaintiff's semi truck, while the Plaintiff, EUGENE G. EVANS, was in the sleeper compartment, with such force that it caused the Plaintiff to fall and causing severe injuries.

6. That as a direct and proximate result the Plaintiff, EUGENE G. EVANS, became sick, sore, lame, and disordered, suffered pain and anguish, has become permanently disabled, incurred medical expenses, lost time from his usual occupation and duty and will continue such losses for the rest of his life.

7. That DARCI POLASKI was appointed Special Administrator of the Estate of JOHN POLASKI, deceased, in Iowa County Case No. 2007PR000056, in the State of Wisconsin.

ALL TO THE DAMAGE of the Plaintiff, EUGENE G. EVANS, in a sum in excess of FIFTY THOUSAND AND NO/100THS (\$50,000.00) DOLLARS.

WHEREFORE the Plaintiff, EUGENE G. EVANS, prays for judgment in his favor and against the Defendant, DARCI POLASKI as Special Administrator of the Estate of JOHN POLASKI, deceased, in an amount in excess of FIFTY THOUSAND AND NO/100THS (\$50,000.00) DOLLARS, together with costs of suit.

COUNT III

NOW COMES the Plaintiff, EUGENE G. EVANS, by and through his attorneys, BLOCK, KLUKAS & MANZELLA, P.C., and complaining of the Defendant, HALL FARMS TRUCKING, states as follows:

1. That on or about August 25, 2006, the Defendant, HALL FARMS TRUCKING, owned, leased, possessed, and/or controlled a certain eighteen wheeler semi truck.

2. That at all times, herein, the Defendant, HALL FARMS TRUCKING, was a transportation company engaged in the interstate transportation of goods by semi truck trailers and doing business in the State of Illinois and Grundy County.

3. That on or about August 25, 2006, the Plaintiff, EUGENE G. EVANS, was the operator of a eighteen wheeler truck that was parked at the Pilot Truck Stop on Ridge Road, in the Village of Minooka, County of Grundy, State of Illinois.

4. That at said time and place, the Defendant, JOHN POLASKI, agent, employee and/or servant, or independent contractor of HALL FARMS TRUCKING, was operating an eighteen wheeler truck that was driving through the parking lot of the Pilot Truck Stop, on Ridge Road, in the Village of Minooka, County of Grundy, State of Illinois.

5. That JOHN POLASKI, as agent, employee and/or servant, or independent contractor while operating the Defendant, HALL FARMS TRUCKING'S vehicle, drove said vehicle into a collision with the Plaintiff's vehicle, while Plaintiff, EUGENE G.

EVANS, was within the sleeper compartment of his vehicle, with such force that it caused the Plaintiff to fall and causing severe injuries.

6. That at said time and place, the Defendant, HALL FARMS TRUCKING, by and through its agent, servant, and/or employee, was guilty of one or more of the following acts of negligence and carelessness, to wit:

- a. Failed to adequately instruct or train the Defendant in the safe operation of the vehicle;
- b. Failed to determine if the driver of the said vehicle possessed adequate skills, competency, experience and knowledge necessary to safely operate said motor vehicle;
- c. Failed to test the driver to determine his skills, competency, experience and knowledge in safely operating said vehicle;
- d. Failed to determine if the driver of its vehicle was capable of showing good judgment;
- e. Failed to promulgate and enforce rules to ensure its drivers drove and acted in a reasonably safe manner;
- f. Failed to act reasonably in hiring and retaining its truck driver.

7. The Defendant, HALL FARMS TRUCKING, negligently entrusted said vehicle to Defendant, JOHN POLASKI.

8. That the Defendant, JOHN POLASKI, was the agent, servant and/or employee, or independent contractor for the Defendant, HALL FARMS TRUCKING, and accordingly the Defendant, HALL FARMS TRUCKING, is vicariously liable for the acts of the Defendant, JOHN POLASKI.

9. That as a direct and proximate cause of one or more of the foregoing acts of negligence and carelessness on the part of the Defendant, HALL FARMS TRUCKING, its vehicle did collide violently with the Plaintiff's vehicle, while the Plaintiff, EUGENE G. EVANS, was in the sleeper compartment of said vehicle, with such force as to cause him to fall and suffer severe injuries.

10. That as a direct and proximate result the Plaintiff, EUGENE G. EVANS, became sick, sore, lame and disordered, suffered pain and anguish, has become permanently disabled, incurred medical expenses, lost time from his usual occupation and duty, will continue such losses for the rest of his life.

ALL TO THE DAMAGE of the Plaintiff, EUGENE G. EVANS, in a sum in excess of FIFTY THOUSAND AND NO/100THS (\$50,000.00) DOLLARS.

WHEREFORE the Plaintiff, EUGENE G. EVANS, prays for judgment in his favor and against the Defendant, HALL FARMS TRUCKING, in an amount in excess of FIFTY THOUSAND AND NO/100THS (\$50,000.00) DOLLARS, together with costs of suit.

COUNT IV

NOW COMES the Plaintiff, EUGENE G. EVANS, by and through his attorneys, BLOCK, KLUKAS & MANZELLA, P.C., and complaining of the Defendants, RICK MANNING and JOE HALL d/b/a HALL FARMS TRUCKING, states as follows:

1. That on or about August 25, 2006, the Defendants, RICK MANNING and JOE HALL d/b/a HALL FARMS TRUCKING, owned, leased, possessed, and/or controlled a certain eighteen wheeler semi truck.

2. That at all times, herein, the Defendants, RICK MANNING and JOE HALL d/b/a HALL FARMS TRUCKING, was a transportation company engaged in the interstate transportation of goods by semi truck trailers and doing business in the State of Illinois and Grundy County.

3. That on or about August 25, 2006, the Plaintiff, EUGENE G. EVANS, was the operator of a eighteen wheeler truck that was parked at the Pilot Truck Stop on Ridge Road, in the Village of Minooka, County of Grundy, State of Illinois.

4. That at said time and place, the Defendant, JOHN POLASKI, agent, employee and/or servant, or independent contractor of RICK MANNING and JOE HALL d/b/a HALL FARMS TRUCKING, was operating an eighteen wheeler truck that was driving through the parking lot of the Pilot Truck Stop, on Ridge Road, in the Village of Minooka, County of Grundy, State of Illinois.

5. That JOHN POLASKI, as agent, employee and/or servant, or independent contractor, while operating the Defendants, RICK MANNING and JOE HALL d/b/a HALL FARMS TRUCKING'S vehicle, drove said vehicle into a collision with the Plaintiff's vehicle, while Plaintiff, EUGENE G. EVANS, was within the sleeper compartment of his vehicle, with such force that it caused the Plaintiff to fall, and causing severe injuries.

6. That at said time and place, the Defendants, RICK MANNING and JOE HALL d/b/a HALL FARMS TRUCKING, by and through its agent, servant, and/or employee, was guilty of one or more of the following acts of negligence and carelessness, to wit:

- a. Failed to adequately instruct or train the Defendant in the safe operation of the vehicle;

- b. Failed to determine if the driver of the said vehicle possessed adequate skills, competency, experience and knowledge necessary to safely operate said motor vehicle;
- c. Failed to test the driver to determine his skills, competency, experience and knowledge in safely operating said vehicle;
- d. Failed to determine if the driver of its vehicle was capable of showing good judgment;
- e. Failed to promulgate and enforce rules to ensure its drivers drove and acted in a reasonably safe manner;
- f. Failed to act reasonably in hiring and retaining its truck driver.

7. The Defendants, RICK MANNING and JOE HALL d/b/a HALL FARMS TRUCKING, negligently entrusted said vehicle to Defendant, JOHN POLASKI.

8. That the Defendant, JOHN POLASKI, was the agent, servant and/or employee, or independent contractor for the Defendant, HALL FARMS TRUCKING, and accordingly the Defendant, HALL FARMS TRUCKING, is vicariously liable for the acts of the Defendant, JOHN POLASKI.

9. That as a direct and proximate cause of one or more of the foregoing acts of negligence and carelessness on the part of the Defendants, RICK MANNING and JOE HALL d/b/a HALL FARMS TRUCKING, its vehicle did collide violently with the Plaintiff's vehicle, while the Plaintiff, EUGENE G. EVANS, was in the sleeper compartment of said vehicle, with such force as to cause him to fall and suffer severe injuries.

10. That as a direct and proximate result the Plaintiff, EUGENE G. EVANS, became sick, sore, lame and disordered, suffered pain and anguish, has become permanently disabled, incurred medical expenses, lost time from his usual occupation and duty, will continue such losses for the rest of his life.

ALL TO THE DAMAGE of the Plaintiff, EUGENE G. EVANS, in a sum in excess of FIFTY THOUSAND AND NO/100THS (\$50,000.00) DOLLARS.

WHEREFORE the Plaintiff, EUGENE G. EVANS, prays for judgment in his favor and against the Defendants, RICK MANNING and JOE HALL d/b/a HALL FARMS TRUCKING, in an amount in excess of FIFTY THOUSAND AND NO/100THS (\$50,000.00) DOLLARS, together with costs of suit.

Eugene G. Evans, Plaintiff,

BY: 

ELIZABETH A. KLUKAS

ELIZABETH A. KLUKAS/06201431
BLOCK, KLUKAS & MANZELLA, P.C.
19 W. Jefferson Street
Joliet, IL 60432
(815) 726-9999

